

**THE PLANNING & ZONING ADVISORY COMMISSION  
FOR THE TOWN OF DEWEY-HUMBOLDT  
JOINT MEETING WITH TOWN COUNCIL  
Thursday, January 8, 2015 6:00 P.M.**

**P&Z MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

## **AGENDA SUMMARY**

1. **Call To Order.** The meeting was called to order at 6:00 p.m. Chair DeWitt presiding.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done.
3. **Roll Call.** Commissioners Dee Parker, Jeff Siereveld, Barry Smylie, Victor Hambrick and Chair Tammy DeWitt were present.
4. **Disclosure of Ex Parte Contacts.** Done.
5. **Informational Reports.** No informational reports were given by commissioners or by public.
6. **Planner's Update on current events and activities.** No information of updates on current events and activities were given.
7. **Consent Agenda.**
  - 7.1. **Minutes.** Commissioner Dee Parker made a motion to approve the meeting minutes from the December 4, 2014 Planning and Zoning regular meeting as presented, seconded by Commissioner Smylie. The motion passed unanimously.
8. **Joint Session Roll Call of Council.** Councilmembers Arlene Alen, Doug Treadway, Nancy Wright and Vice Mayor Jack Hamilton were present. Mayor Terry Nolan, Councilmembers Dennis Repan and Mark McBrady were absent.
9. **Joint Session – Discussion Agenda - Unfinished Business.**
  - 9.1. **Council and Planning & Zoning Commission Joint Session to discuss and offer direction on the three tasks given to the Planning and Zoning Commission last year.**
    - 9.1.1. **Review of town code sections regarding animals.** Chair DeWitt read the overview of the agenda items and the purpose for scheduling the joint meeting with Council.

Vice Mayor Hamilton spoke on why they are meeting and asked each council member to present their views and requested commissioners to ask questions if they have any. He spoke about regulations being for animal owners not animals; animal regulations break down to two components, farm animals and pets; suggested limiting to enclosure size rather than lot size; he felt the largest problem with animals is enforcement; he agrees with the barking dog laws and that the judge should give her opinion on this subject; supports having an odor ordinance;. Yavapai County Sheriff covers enforcement for barking dog violations, but the town has no say in the enforcement procedures; develop a way to get a case before the judge which is not through the County Sheriff's office. He gave an option of another barking dog procedure: complainant keep a log for three or four weeks and have them present it to the local prosecutor and then have the prosecutor present this to the judge.

Chair DeWitt spoke on those issues that are not covered under zoning and the commission

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does not address those issues which are not related to zoning.

Councilmember Alen made a correction to the summary explaining she brought this forward through a CAARF she presented. CM Alen spoke of her original intent to look at all the animal codes and clean up those few loose ends. She gave her history involving animals and thoughts on the animal codes not being conducive to the rural lifestyle. The initial intent was to clarify and clean up the codes but feedback from the public is they want something quite different.

Councilmember Treadway spoke on his experience and history with animals and explained his opinion that the majority of the time the problems which arise are related to people rather than animals. He stated he does not agree with limiting the number of pets in the home, however, there should be a limit to the number of farm animals based on the size of the lot; enforcement is important and getting the magistrates opinion would be good; nuisance code needs strengthening, especially excessive barking and strong odors, and animals at large. He suggested people go to the offending neighbor and talk to them if there is a problem.

Chair DeWitt spoke about clarification of the task for the Commission whether they were tasked with farm animals as well as household pets.

Town Manager Kimball explained farm animals have not being discussed yet. The review of the codes relating to animals is what they were originally tasked with. The feedback from the community is mainly on household pets and not so much about farm animals. Page 15 listed all those chapters pertaining to animals.

CM Alen explained the original directive to staff was to address all the animal code references not just the household pets.

CM Wright spoke about the farm animal sections of code, which the town adopted from the County codes. She stated she wouldn't change that code. Her research on these issues has shown the best information found is from the National Animal Interest Alliance. If you have unlimited pets then you need to have a strict nuisance ordinance. Noise, soiling of public or private property and odors. Enforcement is the problem now.

Commissioner Siereveld spoke on his understanding that the Commission was to look at the codes and make recommendations for adding or deleting things from the code. The rules were in place prior to incorporation. There have been chronic problems that have come in to the neighborhood since he has lived here. Came here for the peace, serenity and rural nature. Appears that common sense can take care of most of these problems. Respect for your neighbors and the lifestyle would resolve most of the issues. What we should concentrate on is what should be enforced and what should be deleted.

Chair DeWitt spoke on there being no relief for nuisance.

Commissioner Smylie questioned how to coordinate, enforce, etc. of these ordinances.

Vice Mayor Hamilton explained he was told that P&Z only has jurisdiction over zoning and not the nuisance issue.

CM Alen spoke on the Council's directive to review the current code and correct the errors and omissions within that code, not to extend past things that are in your prevue. If finding areas that need changing then the council wants to hear about it.

Commissioner Parker spoke about her concern about it being only a complaint-based system.

TM Kimball spoke on the enforcement codes. They come in two sections; Section 90 Animals which is enforced by Yavapai County based on the IGA established between the Town and YCSO. Staff attended a meeting recently with animal control and they have been limited being short of staff and covering a large area. If the Town had their own Animal Control Officer you could direct them specifically, but the Town Manager does not supervise the Sheriff's Office. Land use section 153 is the zoning section that is enforced by town code enforcement staff. This chapter is land use related.

Commission Parker suggested putting sections of the code in the newsletter regarding animals as a reminder and to educate.

CM Wright said the problem is the town can't get from the county how they enforce the dog ordinance. ARS says that the county can contract with the town and follow the town's codes.

Ms. Kimball stated Chapter 90 of the code of ordinance is the section that YCSO enforces. We are a young town and going through growing pains and a lot of citizens just don't understand what the codes are.

Chair DeWitt requested clarification that Title 9 is not part of the planning and zoning ordinance and there is no authority for P&Z to address those sections of code. This section must be dealt with between the Sheriff's office and the Council. Chapter 153 is within the prevue of the Commission and what the P&Z is tasked to advise on. Issues primarily deal with household pets and not farm animals.

Commissioner Smylie spoke about animals being very personal to people; this is the same concern people have about keeping their personal freedoms; no intent to restrict that but to have cohesive law that everyone can live with; table the farm animals, table some of the other issues and find something that citizens can agree to then discuss active enforcement.

VM Hamilton clarified that the enforcement is a matter that must be dealt with by the Council.

Commissioner Hambrick spoke about having the task defined for what the P&Z will work on, he doesn't believe there are enough complaints to demand a change to the code; we are all here to represent the people, not impose on their personal liberties; cannot legislate personal behaviors; need to implement common courtesy to neighbors.

VM Hamilton commented about growth as a town. A lot of new citizens have never been around farm animals and will have different values; need to look at the future and have something for those few who are not reasonable and don't want what is right; need to look at what is right for the animal not just the animal owner; most are responsible, but there are some who are not.

Commissioner Hambrick spoke about not punishing the 95% for that 5%, enforcement written in a manner that keeps in mind that it is the few, and cost prohibitive.

Chair DeWitt said the biggest problem seems to be the dogs, not other animals; Council needs to deal with the sheriff in regards to the enforcement side of the issue; a maintenance code might work well and remove the household pet numbers from the code.

CM Alen requested to clarify the role of P&Z and deal only with that part which pertains to the P&Z's purview. They do need to address farm animals as it relates to P&Z.

Chair DeWitt stated that Council will deal with the nuisance part and they (the Commission) will deal with the zoning issues.

Commissioner Smylie requested to clean up the agenda to make it clear what they are dealing with. This way the public will have a clear understanding of matters which pertain to animals so that they are not spending unnecessary wasted time.

Chair DeWitt stated that the next meeting staff will bring back a new recommendation for the Commission to review in regards to the three options; all, some or no revisions and they may also recommend looking at partial revisions.

VM Hamilton suggested looking closer on the agenda before approving it.

Commissioner Parker spoke on the P&Z looking at the barking nuisance.

Chair DeWitt explained that the barking ordinance is not in the P&Z commission's purview. This is for the Council to deal with in conjunction with the Sheriff's department. Responsibilities deal with definitions, number of animals per acre and criteria for them.

CM Alen spoke on looking at staff's recommendations and ask for feedback from the community meetings.

Chair DeWitt spoke on the commission only looking at the animal code, section 153 and staff to put together the issues that come out of the community meetings.

Yvonne Kimball spoke on the community feedback coming back on all sections of the code including those sections that are not part of the P&Z purview. Connie Christian can focus on those three meetings and enforcement will be included.

Chair DeWitt spoke on having a clear understanding of the responsibilities of the Commission and the Council in regards to the codes and this will be helpful to P&Z and dealing with the task assigned to them.

### **9.1.2. Review of Accessory Dwelling Unit (proposed ordinance 2014-104).**

Chair DeWitt gave an overview of the agenda item 9.1.2. Accessory Dwelling Units.

VM Hamilton spoke on the main concern of a secondary dwelling being used as a rental property.

Yvonne Kimball explained this is an enforcement issue and it becomes very difficult to control and enforce.

CM Wright spoke on the purpose of the Secondary Medical Dwelling Unit; needing a doctor's notice for use permit; issues came about due to the lack of water and use of existing sewage system.

Chair DeWitt responded that those issues would have been addressed in the initial permitting process.

Commissioner Parker spoke on the tax issue.

CM Allen spoke about confusion relating to kitchens. Mandatory or not mandatory. Roomer/boarder was another area of confusion. We need to make sure that persons needing shared living expenses is also included. The zoning clarification needs to evaluate the issue of having kitchens.

Chair DeWitt spoke on the issue of Accessory Dwelling Units verses living on the property in an R.V. Sharing rent and expenses is not necessarily related. In the single family residential district the code states a person cannot live in an R.V.

TM Kimball stated she did not have enough knowledge of the code restrictions regarding RV's and will need to do more research to make comments.

Commissioner Parker spoke on tax issue if it is being rented. Homeowner should be paying taxes on the rental.

Chair DeWitt spoke about the definition of dwelling. The code requires it to have a kitchen. If you take out that part of the building code it can be a problem. New fad is the tiny house. Take out "required" but make it "permitted". This might be a good compromise. Questioned if the rest of the code looked good to the Council except for those few things.

VM Hamilton asked about putting something in there about wording that speaks on it not being allowed for non-family rental. Enforcement side, may be hard to do.

Chair DeWitt stated on page 32, code referenced non-paying or non-reimbursing guests is in the code.

Yvonne Kimball spoke about the next meeting with P&Z should address those town items; kitchen "permitted and roomers boarders drafted in a revised ordinance and present the draft to the Commission. No public hearing is needed as it has already gone through that process, but council may want to have another round of public hearings.

VM Hamilton requested for staff to show the cleaned up version ordinance to look at before they agree to recommend to Council.

CM Alen spoke on her desire to have the revised ordinance go to a public hearing again so the public can fully understand what is in the ordinance. This would help to complete an education process.

CM Wright requested to have the changes presented to Council and then Council would make recommendations for a public hearing.

TM Kimball stated staff will address the two points talked about and will bring the finished ordinance to P&Z for discussion and P&Z can recommend it go to council for discussion. At that time, council could request another round of public hearings, one at the P&Z and one at Council. Process could take up to four meetings minimum.

### **9.1.3. Review of existing District Zoning Setbacks.**

Chair DeWitt read the report on District Zoning Setbacks.

VM Hamilton presented this item and questioned if the Town needs to look at the setbacks to see if they are applicable to the lot sizes or if they need to be changed.

Chair DeWitt spoke on the purpose for the setbacks and the character of Dewey-Humboldt is rural and not urban and residence do not want to be on top of each other. Setbacks are for safety (fire, etc.), needed to maintain open space, and buffer between residences. Setbacks for farm animal housing area so they do not impact your neighbors negatively. Decreasing the setbacks could decrease the rating which would increase insurance rates. Stricter regulations for ratings are coming up. The bonding for the Town could decrease. There is a

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process to amend it if there is a need. If it is changed or reduced, you cannot take it back.

CM Treadway agreed with Chair DeWitt's statements. There is a process if needing a variance on your property.

CM Wright spoke on agreeing with the issue of changing it and potentially increasing density.

CM Alen stated a decrease in setbacks would also decrease property values and result in low density rural lifestyle available now.

Consensus was reached to not reduce setbacks.

**10. Joint Session - Discussion Agenda - New Business.** None.

**11. Public Hearing Agenda.** None

**12. Adjourn.** Meeting was adjourned at 7:37 p.m.